

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) OF THE FUTURE LAND USE ELEMENT; ADOPTING SMALL SCALE DEVELOPMENT AMENDMENT **00-SCA 78 COM 1 (SAFE & SECURE 2)**; MODIFYING PAGE 78 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 3.8 ACRES GENERALLY LOCATED ON THE NORTHWEST CORNER OF LAKE WORTH ROAD AND ENGLE ROAD, APPROXIMATELY 1/4 MILE EAST OF CONGRESS AVENUE, FROM INDUSTRIAL (IND) TO COMMERCIAL HIGH (CH), SUBJECT TO A CONDITION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

1 **WHEREAS**, the Palm Beach County Local Planning Agency conducted a
2 public hearing on May 19, 2000, to review the proposed amendment to the
3 Palm Beach County Comprehensive Plan and made recommendations regarding
4 the proposed amendments to the Palm Beach County Board of County
5 Commissioners pursuant to Chapter 163, Part II, Florida Statutes;
6 and

7 **WHEREAS**, the Palm Beach County Board of County Commissioners, as
8 the governing body of Palm Beach County, conducted a public hearing
9 pursuant to Chapter 163, Part II, Florida Statutes, on June 29, 2000, to
10 review the recommendations of the Local Planning Agency and to consider
11 adoption of the amendments; and

12 **WHEREAS**, the Palm Beach County Board of County Commissioners has
13 determined that the amendment complies with all requirements of the
14 Local Government Comprehensive Planning and Land Development Regulation
15 Act.

16 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
17 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

18 **Part I. Amendments to the Future Land Use Atlas of the Land Use**
19 **Element of the 1989 Comprehensive Plan**

20 The following amendment to the Future Land Use Element's Future
21 Land Use Atlas is hereby adopted and is attached to this Ordinance:

22 **A. Future Land Use Atlas page 78 is amended as follows:**

23 **Application No.:** **00-SCA 78 COM 1 (Safe & Secure 2)**

24 **Amendment:** From Industrial (IND) TO Commercial High
25 (CH);

26 **General Location:** Northwest corner of Lake Worth Road and
27 Engle Road, approximately 1/4 east of
28 Congress Avenue;

29 **Size:** Approximately 3.8 acres;

30 **B. Condition:** This parcel is subject to the following
31 condition:

1 1. Commercial retail uses on the site shall be limited to
2 a maximum of 36,500 square feet of floor area.

3 **Part II. Repeal of Laws in Conflict**

4 All local laws and ordinances applying to the unincorporated area
5 of Palm Beach County in conflict with any provision of this ordinance
6 are hereby repealed to the extent of such conflict.

7 **Part III. Severability**

8 If any section, paragraph, sentence, clause, phrase, or word of
9 this Ordinance is for any reason held by the Court to be
10 unconstitutional, inoperative or void, such holding shall not affect
11 the remainder of this Ordinance.

12 **Part IV. Inclusion in the 1989 Comprehensive Plan**

13 The provisions of this Ordinance shall become and be made a part
14 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
15 Ordinance may be renumbered or relettered to accomplish such, and the
16 word "ordinance" may be changed to "section," "article," or any other
17 appropriate word.

18 **Part V. Effective Date**

19 This amendment shall not become effective until 31 days after
20 adoption. If challenged within 30 days after adoption, this amendment
21 shall not become effective until the state land planning agency or the

1 Administration Commission, respectively, issues a final order
2 determining the amendment is in compliance.

3 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
4 Beach County, on the 29 day of June, 2000.

5 ATTEST:
6 DOROTHY H. WILKEN, Clerk

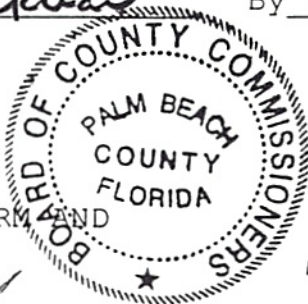
PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

7 By: Linda C. Hickman
8 Deputy Clerk

By: Mauda Ford Lee
Chair

9 APPROVED AS TO FORM AND
10 LEGAL SUFFICIENCY

11 [Signature]
12 COUNTY ATTORNEY



DOROTHY H. WILKEN, CLERK
Board of County Commissioners

By [Signature]
DEPUTY CLERK

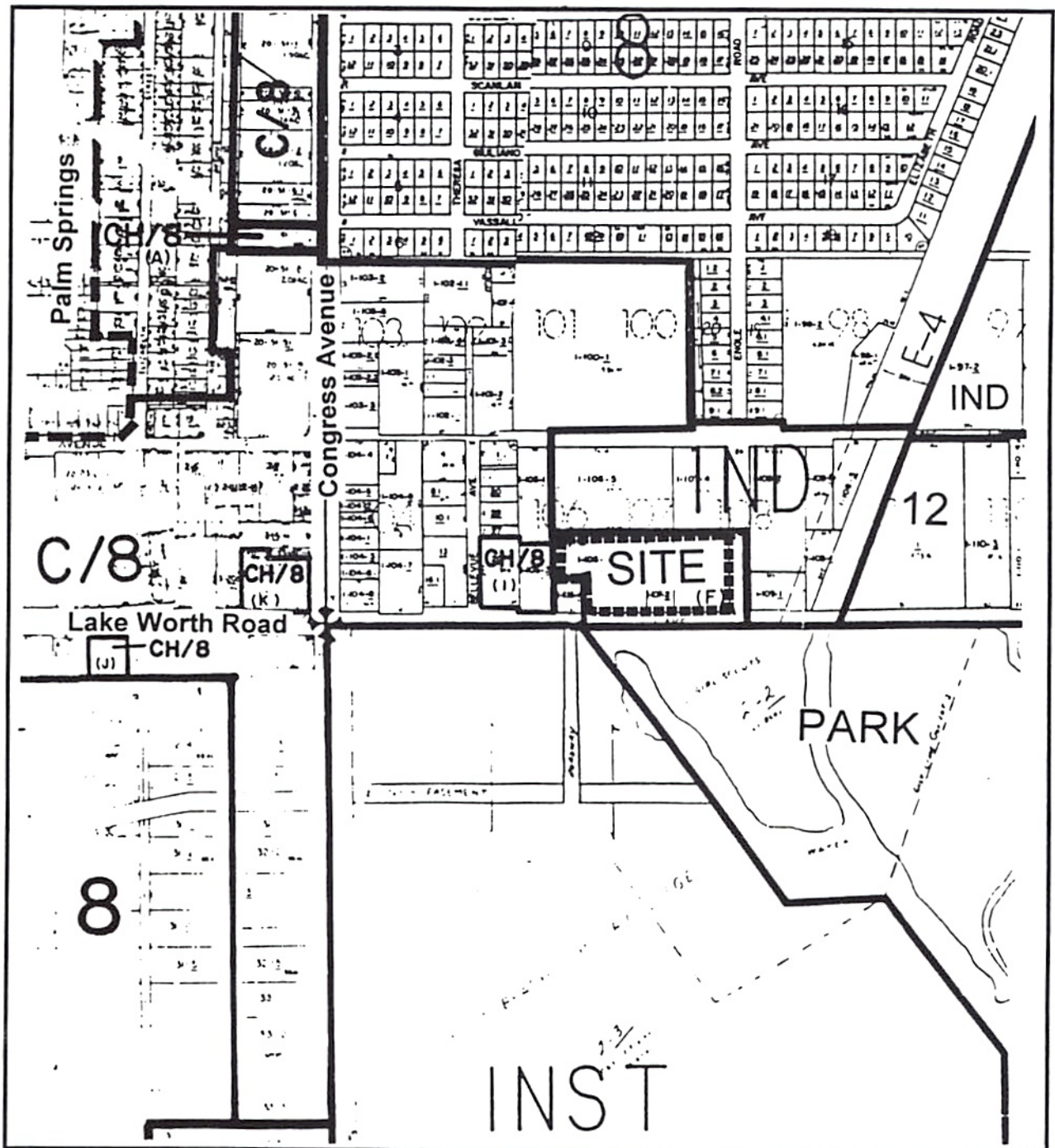
13 Filed with the Department of State on the 5TH day
14 of July, 2000.

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EXHIBIT 1

Future Land Use Atlas page 78 is amended as follows:

Amendment No.: 00-SCA 78 COM 1 (Safe & Secure 2)
FLUA Page No.: 78
Amendment: From Industrial (IND) to Commercial High (CH)
Location: On the northwest corner of Lake Worth Road and Engle Road, approximately 1/4 mile east of Congress Avenue.
Size: Approximately 3.8 acres
Property No.: 00-43-44-02-01-106-0060
Legal Description: See attached
Condition: Commercial retail uses on the site shall be limited to a maximum of 36,500 square feet of floor area.



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Legal Description:

The north 300 feet of the south 325 feet of the east 183.7 feet of Tract 107 and the north 300 feet of the south 325 feet of the west 116.3 feet of Tract 108, all in MODEL LAND COMPANY SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, Palm Beach County, Florida. Plat Book 5 at Page 79.

Together with:

A parcel of land in the Southwest 1/4 of Section 20, Township 44 South, Range 43 East, Palm Beach County, Florida more particularly described as follows:

Commencing at the Southwest corner of said Section 20; Thence S. 87° 40' 08" E. (all bearings on an assumed Meridian) along the South line of said Section 20 a distance of 843.10 feet; thence N. 01° 17' 01" E. a distance of 165.00 feet to the Point of Beginning; Thence continuing N. 01° 17' 01" E a distance of 175.05 feet; thence S. 87° 40' 08" E. a distance of 318.26 feet; Thence S. 01° 56' 06" W. a distance of 296.00 feet, more or less to a point on the northerly future Right-of-Way line of Lake Worth Road; Thence N. 87° 40' 08" W. along said north Right-of-Way line a distance of 214.90 feet; Thence N. 01° 17' 01" E a distance of 121.00 feet; Thence N. 87° 40' 08" W a distance of 100.00 feet to the Point of Beginning. Note: Description is per Warranty Deeds recorded in O.R. Book 3411, Page 1420; O.R. Book 3072, Page 1645; and O.R. Book 3414, Page 1359 and O.R. Book 3380, Page 1921, Palm Beach County Records.

Less the following Right-of-Way per O.R. Book 8825, Pages 603 & 604, Palm Beach County Records:

A portion of Tract 106, 107 and 108 MODEL LAND COMPANY SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST as recorded in Plat Book 5 Page 79 of the Public records of Palm Beach County, Florida described as follows:

Commencing at the southwest Corner of said Section 20; Thence south 87° 40' 08" east along the south line of said Section 20 for a distance of 943.10 feet; Thence north 01° 17' 01" east for a distance of 44.01 feet to the Point of Beginning; Thence continue north 01° 17' 01" east for a distance of 11.00 feet; Thence south 87° 40' 08" east for 484.82 feet; Thence north 47° 07' 59" east for 42.57 feet, to the west right-of-way line of Engle Road; Thence south 01° 56' 06" west along said right of way for 45.21 feet to the north right-of-way line of Lake Worth Road; Thence north 87° 40' 08" west along said right-of-way for 300.00 feet; Thence north 01° 56' 06" east along said right-of-way for 4.00 feet; Thence north 87° 40' 08" west along said right-of-way for 214.90 feet to the Point of Beginning.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on JUNE 29, 2000
DATED at West Palm Beach, FL on 7/20/99
DOROTHY H. WILKEN, Clerk
By: William Brown D.O.